

Page 1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

2 -----x  
3 XIAMIN ZENG,

4  
5 PLAINTIFF,

6  
7 -against- Case No:

8  
9 19-CV-3218 (JGK) (KHP)

10  
11 THE CITY OF NEW YORK, DETECTIVE DANIELLE FEBUS, [RANK  
12 FY20000], INSPECTOR JOHN CHELL, DETECTIVE GARY DENEZZO  
13 [RANK FY20000], SERGEANT GEORGE TAVARES, (#5354), POLICE  
14 OFFICER IRWIN LUPERON (SHIELD NO #27763), POLICE OFFICER  
15 ERLENE WILTSHERE (SHIELD NO. #24340), and POLICE OFFICER  
16 CHRISTOPHER ROBLEY (#23263), in both their individual and  
17 professional capacities,

18  
19 DEFENDANTS.

20  
21 DATE: September 8, 2022

22  
23 TIME: 10:05 A.M

24  
25 VIRTUAL DEPOSITION of the Plaintiff,  
XIAMIN ZENG, taken by the Defendants, pursuant to a Court  
Order and to the Federal Rules of Civil Procedure, held at  
the above date and time, before Joanne Capparelli, a Notary  
Public of the State of New York.

Page 2

1 A P P E A R A N C E S:

2

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THE CITY OF NEW YORK, DETECTIVE DANIELLE FEBUS  
[RANK FY2000], POLICE OFFICER ERLENE WILTSHERE  
(SHIELD NO #24340), in both their individual and  
professional capacities

12

100 Church Street

13

New York, New York 10007

14

BY: JEFFREY FRANK, ESQ.

15

File #: 2019-032836

16

Control #: 22-2217

17

ALSO PRESENT

18

SARAH CHIANG - Interpreter

19

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\* \* \*

1 F E D E R A L S T I P U L A T I O N S

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4 IT IS HEREBY STIPULATED AND AGREED by and between  
5 the counsel for the respective parties herein that the  
6 sealing, filing and certification of the within deposition  
7 be waived; that the original of the deposition may be  
8 signed and sworn to by the witness before anyone authorized  
9 to administer an oath, with the same effect as if signed  
10 before a Judge of the Court; that an unsigned copy of the  
11 deposition may be used with the same force and effect as if  
12 signed by the witness, 30 days after service of the  
13 original & 1 copy of same upon counsel for the witness.

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IT IS FURTHER STIPULATED AND AGREED that all

objections except as to form, are reserved to the time of  
trial.

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ZENG

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1 THE REPORTER: Due to the need for this  
2 deposition to take place remotely because of the  
3 Government's order for social distancing, the  
4 parties will stipulate that the court reporter  
5 may swear in the witness over the phone/Veritext  
6 virtual videoconference and that the witness has  
7 verified that she is in fact Xiamin Zeng.

8 S A R A H C H I A N G, a Mandarin interpreter, solemnly  
9 swore to translate the following questions from English to  
10 Mandarin and answers from Mandarin to English:

11 X I A M I N Z E N G, called as a witness, having been  
12 first duly sworn, through an interpreter, by a Notary  
13 Public of the State of New York, was examined and testified  
14 as follows:

**15 EXAMINATION BY**

16 MR. FRANK:

17 Q. Please state your name for the record.

18 A. Xiamin Zeng.

19 Q. Good morning. My name name is Jeffrey Frank. I  
20 am an attorney for the City of New York. I represent  
21 defendants City of New York, Detective Danielle Febus and  
22 Police Officer Wiltshire.

23 Today I will be asking you questions regarding an  
24 incident that occurred on January 31, 2018. Before we begin  
25 the deposition I'm going to explain some basic guidelines

ZENG

Page 20

1 Q. To clarify, your psychiatrist is the one who told  
2 you that -- who diagnosed the cause of your hearing loss?

3 A. So he said that it was due to the mental issues  
4 because I have experienced some -- like my brain was  
5 lacking oxygen so I was locked out for a long period of  
6 time and I have asthma.

7 Q. When did you first start having asthma?

8 A. When I was a teenager.

9 Q. Do you remember around what age? If not, it's  
10 okay.

11 A. About ten years old.

12 Q. You are talking about loss of oxygen. Can you  
13 describe what you are referring to? Exactly what happened?

14 A. Because I was kept at the Queens Criminal Court  
15 police station along for -- for a long period of time. It  
16 was -- it was in glass.

17 Q. When you say in glass what do you mean?

18 A. It was -- it was a space with -- made out of  
19 glass with not a lot of air coming in.

20 Q. Did you make any complaints that you were having  
21 difficulty breathing when you were in that space?

22 A. Yes.

23 Q. Is the space you are referring to, was that a  
24 holding cell?

25 A. I don't know it's a public cell or investigation

ZENG

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1 cell but it was with the police station I was held inside  
2 there.

3 Q. Do you know what police station that was?

4 A. Queens Child Abuse Squad.

5 Q. How long were you in that cell?

6 A. Six to seven hours.

7 Q. You said you complained that were you having  
8 difficulty breathing. Who did you complain to?

9 A. Police officer.

10 Q. Do you know which police officer?

11 A. Febus. One of the defendants.

12 Q. Do you mean F-E-B-U-S, that defendant?

13 A. Yes.

14 Q. When you made a complaint what did Detective  
15 Febus say in response?

16 A. He ignoring on me.

17 Q. Did you say he?

18 A. Oh, it's a female. Sorry. She ignored me.

19 Q. She didn't say anything in response when you made  
20 that complaint?

21 A. That's right.

22 MR. FRANK: I'll get back to asking more  
23 about the incident in a moment. I just want to  
24 ask some other questions first.

25 Q. We were talking about about unemployment

ZENG

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1           A.       So after dropping my son off I stop by a  
2 supermarket. Then I went home to do some house chore.

3           Q.       You said you received a call from Detective  
4 Febus.

5                    What was that call about?

6           A.       I was told that my son was at Queens Child Abuse  
7 Squad and I told her to take my son back.

8           Q.       Back where?

9           A.       Go home. Send him home.

10          Q.       Did Detective Febus tell you why your son was at  
11 the Queens Child Abuse Squad?

12          A.       She said it was because of the 17-CV-988 (sic).  
13 It's for the investigation of that case.

14          Q.       Can you repeat that?

15          A.       To investigate that case.

16          Q.       Did she explain anything else why about your son  
17 was there or was that it?

18          A.       No. I was told to go -- to come over.

19          Q.       And you said you also got a text message. Was  
20 that before or after the phone call?

21          A.       After the phone call. I'm not quite sure  
22 exactly.

23          Q.       I'm going to show you what was already marked as  
24 A, the second complaint in this case. Give me a moment to  
25 put that up on the screen.

ZENG

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1                   Are you able to see the screen?

2                   A.       Yes.

3                   Q.       You can see the document clearly?

4                   A.       Yes.

5                   Q.       I'm going to -- again this is document number 68  
6       on the docket for this case, the second amended complaint.  
7       I'm going to go to page 45. Can you tell what it says  
8       there?

9                   A.       Exhibit C.

10                  Q.       I'm going to go to the next page, the last page  
11       which is page 46. Do you recognize this document that was  
12       attached to the second amended complaint?

13                  A.       Yes.

14                  Q.       Can you describe what this is?

15                  A.       This is the text message that Febus sent it to  
16       me.

17                  Q.       Is this a screen shot from your cell phone

18                  A.       Yes.

19                  Q.       Does this appear to be a fair and accurate  
20       representation of your text conversation with Detective  
21       Febus?

22                  A.       This is text message. I also had formal  
23       conversation with her.

24                  Q.       Did you reply to this text message from Detective  
25       Febus at any point?

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1           A.       I just told her over the phone to take my son  
2 back home.

3           Q.       You said that call was around ten a.m.; right?

4           A.       This message is around 11:00.

5           Q.       I'm asking about the phone call.

6           A.       It was either before or after. Within a very  
7 short period of time.

8           Q.       Can you read what this text message says?

9           A.       Yeah. She said my son was at their care in their  
10 care and they ask me to come take him.

11                    MR. FRANK: I'm going to stop sharing the  
12 exhibit now.

13           Q.       After receiving that text message and speaking  
14 with Detective Febus on the phone what did you do next?

15           A.       I went to the place she indicated to pick up my  
16 son.

17           Q.       When you had asked her to send your son home over  
18 the phone what did she say in response?

19           A.       She say no. She insists that I went to pick my  
20 son up.

21           Q.       Did she explain why?

22           A.       She said the reason why she took my son was  
23 because they want to investigate 17-CV-988 case, my Federal  
24 lawsuit.

25           Q.       I'm asking when you asked for her to bring your

ZENG

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1 son home and she said no, did she explain why she wouldn't  
2 send your son home?

3 A. She said because she's investigating the case  
4 17-CV-988.

5 Q. You said you went to the address she gave you.  
6 Do you remember around what time you got there?

7 A. Before 12:00. Around 12:00.

8 Q. How did you get there from home?

9 A. I took subway.

10 Q. Do you remember which subway?

11 A. I forgot. It was a long time ago.

12 Q. Is that no, you don't remember?

13 A. I don't recall.

14 Q. The address she gave you was that for the Queens  
15 Child Abuse Squad precinct?

16 A. Yeah.

17 Q. What happened when you arrived at the Queens  
18 Child Abuse Squad around noon?

19 A. I said I was looking for -- I had appointment  
20 with Detective Febus and a male officer had me to wait in  
21 the room.

22 Q. Do you remember who that male officer was?

23 A. I don't know the name.

24 Q. Can you describe him at all?

25 A. He is a tall big Caucasian man in his 40s.

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1 Q. Do you recall what color hair?

2 A. I don't recall.

3 Q. That male officer told you to wait in a room?

4 A. Yes. I was waiting in a room and he closed the  
5 door.

6 Q. Did he tell you why he wanted you to wait in that  
7 room?

8 A. He said to wait for Detective Febus.

9 Q. Did you know where Detective Febus was? Did he  
10 tell you that?

11 A. No.

12 Q. Were you in handcuffs at all at this point?

13 A. No.

14 Q. Were you able to --

15 A. But I think I was locked inside of the room. The  
16 lock was on.

17 Q. Did you see the male officer lock the door?

18 A. I heard the lock and I saw 30 minutes later he  
19 did lock the door.

20 Q. Did you try to open the door that he locked when  
21 you were in this room?

22 A. Yes, I did.

23 Q. Were you able to?

24 A. No.

25 Q. Did you ask anyone to open the door to the room?

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1 A. Yes. I asked for the police officer.

2 Q. Is that the same male police officer you were  
3 describing earlier?

4 A. Yes.

5 Q. What did he say in response, if anything?

6 A. He asked me to wait. He didn't say anything.

7 Q. How long were you waiting in that room?

8 A. Two to three hours.

9 Q. Did you ask for anything else while were you in  
10 that room?

11 THE INTERPRETER: Say that again.

12 Q. Did you ask the officer for anything else while  
13 you were in that room?

14 A. I said I need to drink water and I need to go to  
15 doctor's because on that day both my son and myself had a  
16 doctor appointment.

17 Q. When you said that were you saying that to the  
18 same male officer again?

19 A. Yeah. I was shouting very loud -- loudly.

20 Q. What, if anything, did he say in response?

21 A. He asked me to wait for Detective Febus and then  
22 he just completely ignored me.

23 Q. Were there any other officers around there at the  
24 time that you saw?

25 A. Yes. There was two or three of them but I don't

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1 recall exactly.

2 Q. Was Detective Febus one of those two or three  
3 other officers you saw?

4 A. Yes. No.

5 Q. You did not see Detective Febus while were you  
6 waiting for those two or three hours in this room?

7 A. That's right.

8 Q. You said you didn't remember if it was two or  
9 three officers. Do you remember if they were male or  
10 female, what they looked like?

11 A. The male, I don't recall exactly. They are male  
12 and females.

13 Q. Are any of those two or three officers named as  
14 defendants in this case?

15 A. No.

16 Q. Do you know if that male officer who you were  
17 talking to and who brought you to that room, is he named as  
18 a defendant in it case?

19 A. No.

20 Q. Did there come a time when you did meet with  
21 Detective Febus?

22 THE INTERPRETER: Say that again.

23 Q. Did there come a time when you did meet with  
24 Detective Febus?

25 A. Yes.

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1 Q. Did she come to that room where you were?

2 A. Yes.

3 Q. Earlier, much earlier today you were talking  
4 about a room where the walls were glass and you were having  
5 difficulty breathing; is that the same room that we're  
6 talking about now at the Queens Child Abuse Squad?

7 A. Yes.

8 Q. Did you tell that male officer or the other two  
9 or three officers you mentioned that you were having  
10 difficulty breathing during those two to three hours?

11 A. Yes.

12 Q. Do you recall what you said to them  
13 approximately?

14 A. I said -- I said I'm breathing harder and I have  
15 asthma and I need to go to doctor.

16 Q. What did they say in response?

17 A. They said -- they asked me to wait, to wait for  
18 the Detective Febus.

19 Q. Have you ever been prescribed an inhaler for  
20 asthma?

21 A. I don't remember if I had that prescription at  
22 that time.

23 Q. At any point, not just that day, but at any point  
24 have you ever been prescribed an inhaler?

25 A. Yes.

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1 Q. Did you regularly bring your inhaler with you?

2 A. No. Did you mean that I was prescribed and I  
3 bring it everywhere; is that your question?

4 Q. I'm asking if you generally brought your inhaler  
5 with you?

6 A. Sometimes.

7 Q. Why only sometimes?

8 A. So if it's not -- the air is not very thin then  
9 I'm fine but if there is a closed space then I have  
10 breathing problem.

11 Q. You would bring it with you if you knew you were  
12 going to be in a closed space; is that correct?

13 A. Yes.

14 Q. Did you generally keep it in a purse or some  
15 other kind of bag?

16 A. Yes.

17 Q. What kind of bag was it?

18 A. Like a bag, shoulder bag that can hold my phone  
19 and my keys.

20 Q. Did you have that bag with you when you went to  
21 the Queens Child Abuse Squad on January 31, 2018?

22 A. Are you are asking me if I bring the medicine --  
23 asthma medication with me or are you asking if I bring the  
24 bag with me?

25 Q. I'm asking just about the bag, yes.

ZENG

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1 A. Yes.

2 Q. Also did you bring the asthma medicine on that  
3 day?

4 A. No.

5 Q. Why not?

6 A. I didn't know they would put me in the closed  
7 space without a lot of air. I thought I would just pick up  
8 my son and go home.

9 Q. Do you generally bring your inhaler when you are  
10 riding the subway?

11 A. No. No, I don't.

12 Q. What kind of closed spaces would you need it  
13 then?

14 THE INTERPRETER: Say that again.

15 Q. What kind of closed spaces would you need your  
16 inhaler in?

17 A. With improper quality and in a closed space for a  
18 long time.

19 Q. Going back to that room when Detective Febus  
20 came, what did you two discuss, if anything?

21 A. So the echo -- and also detectives Febus keep  
22 asking me who initiated the case and why I want to sue ACS  
23 and they also said a lot of people would be in trouble if I  
24 sue them.

25 Q. What did you say in response?

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1       A.       I didn't want to answer. I said if you want to  
2 talk about this case it should be in the court not here.

3       Q.       What did they say when told them that?

4       A.       They ignore me. So I said I want to pick up my  
5 son and I want to see my son and I said I have a doctor  
6 appointment in the afternoon, I need to go to the doctor's.

7       Q.       What did they say when you told them that?

8       A.       They ignore me.

9       Q.       Did they say anything else to you other than  
10      about the 17-CV-988-case?

11                   THE INTERPRETER: Say it again.

12       Q.       Did they ask you about anything else other than  
13      the 17-CV-988 case?

14       A.       They didn't say anything else.

15       Q.       How long did the conversation last?

16       A.       About half an hour. About half an hour to one  
17      hour.

18       Q.       At this point were you in handcuffs?

19       A.       No.

20       Q.       Did you ask them to leave?

21       A.       I said I want to see my son and I also I want to  
22      see my attorney and I was going to see a doctor and I keep  
23      telling them I need to drink water, I need to use the  
24      bathroom. They ignore me.

25       Q.       Did they bring you water at any point when you

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1        were in that room?

2        A.        No.

3        Q.        When you were asking them this were you asking in  
4        English?

5        A.        In the beginning they have interpreter and they  
6        were directly speaking -- they spoke English to me.

7        Q.        Was the interpreter there earlier when you were  
8        waiting for those two or three hours?

9        A.        It was. After I wait for three hours Detective  
10       Febus and also the -- and Andrianzan, the social worker,  
11       and also the interpreter came to talk to me.

12       Q.        Before that when you were there for those two or  
13       three hours waiting and you were talking to that male  
14       officer were you making those requests in English?

15       A.        Yes.

16       Q.        You said the interpreter -- did the interpreter  
17       leave at some point?

18       A.        Yes, the interpreter left.

19       Q.        Was that while Detective Febus and Diego  
20       Andrianzan were still talking to you?

21       A.        They keep asking me the case and also they ask me  
22       about my immigration status.

23       Q.        What I'm asking is when they were -- during that  
24       whole conversation was the interpreter there the whole  
25       time?

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1 A. Yes. They totally ignore me.

2 Q. Why did they stop asking you questions after that  
3 half hour to an hour; did they say?

4 A. So after half an hour they left and they still  
5 kept asking me about the case we were talking about.

6 Q. And then why did they stop -- they stopped asking  
7 you at some point. Did they say why they were going to stop  
8 asking you questions?

9 A. So I didn't want to answer. Then Detective Febus  
10 smile and say to Diego saying this Chink didn't think that  
11 we were detaining her.

12 Q. Did she make that comment while she was still in  
13 the room with you?

14 A. Yes.

15 Q. What happened after that?

16 A. After that they all left. They went out.

17 Q. Were you still in the room after they left?

18 A. So after that they search my bag and then they  
19 search my body. They push my head against the wall.

20 Q. Who pushed your head against the wall?

21 A. Detective Febus.

22 Q. Did she say anything to you before she did that?

23 A. No.

24 Q. What were you doing before she pushed your head  
25 against the wall?

ZENG

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1           A.       I was sitting there to listen to their  
2 conversation.

3           Q.       And did you get up at any point?

4           A.       I stood up.

5           Q.       That was before Detective Febus pushed your head  
6 against the wall?

7           A.       I was sitting down and she drag me up off the  
8 chair.

9           Q.       How did she drag you up out of the chair?

10          A.       I don't recall exactly.

11          Q.       What part of your body did she touch to drag you?

12          A.       My back and my arm.

13          Q.       What did she do to your back and arm?

14          A.       She dragged me, push me.

15          Q.       How far was the chair from the wall before this  
16 happened, the chair where you were sitting?

17          A.       I don't recall.

18          Q.       You could approximate. Was it a couple feet or  
19 five feet, ten feet, something like that? Approximately  
20 how far?

21          A.       Five feet.

22          Q.       When Detective Febus dragged you did she drag you  
23 all the way from where the chair was to the wall chair?

24          A.       Yes.

25          Q.       What happened to the chair when she did that?

ZENG

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1 A. I don't recall.

2 Q. Do you know if the chair fell over at any point?

3 A. I don't recall.

4 Q. When she dragged you to the wall you said she  
5 placed your head up against it; is that correct?

6 A. Yes.

7 Q. What happened right after that?

8 A. Then she put her hands on me, on my back.

9 Q. She put your hands behind your back?

10 A. Yes.

11 Q. Did she explain why she was putting handcuffs on?

12 A. No.

13 Q. Did anybody else come to the room during that  
14 conversation that you were having other than the  
15 interpreter and Diego?

16 A. Another female detective, Wiltshire.

17 Q. Is that Erlene Wiltshire, one of the defendants  
18 in this case?

19 A. Yes.

20 Q. When did that happen? How long before Detective  
21 Febus put you in handcuffs did Officer Wiltshire come to  
22 the room?

23 A. It was not long before that I was put in the  
24 handcuff. She was right next to me.

25 Q. Officer Wiltshire was there when you were being

ZENG

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1 handcuffed?

2 A. Yes, she was right next to it.

3 Q. Did Officer Wiltshire help Detective Febus put  
4 handcuffs on you?

5 A. In the beginning she didn't but after that they  
6 -- the two of them they work together to drag me to the --  
7 to the car.

8 Q. How did they drag you to the car?

9 A. They drag me from my back.

10 Q. They were both holding your back?

11 A. Yes. They drag my arm.

12 Q. Do you remember which arm Detective Febus was  
13 holding?

14 A. She was holding my hand that was handcuffed. Then  
15 also dragging my arm.

16 Q. Was she pulling on your arm, pushing it or  
17 something else?

18 A. Sometimes she hold onto my arm and sometimes she  
19 get hold of my hand that was handcuffed and she drag me.

20 Q. Do you remember if this was your left or right  
21 arm?

22 A. Both my arms were dragged by them.

23 Q. What about Officer Wiltshire, was she also  
24 holding one of your arms or doing something else?

25 A. She was also holding on it, my arm, but she left

ZENG

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1       want to see my attorney and I want -- I feel uncomfortable.

2       Q.       Were you telling them that in English?

3       A.       Yes.

4       Q.       Did they respond?

5       A.       No.

6       Q.       Was anyone else there other than Detective Febus  
7       and Officer Wiltshire?

8       A.       No.

9       Q.       About how long were you waiting in that room in  
10       handcuffs before you were brought outside?

11       A.       Ten to 20 minutes.

12       Q.       After those ten to 20 minutes is when you were  
13       dragged outside as were you explaining earlier?

14       A.       Yes.

15       Q.       Did anything happen before you were dragged  
16       outside?

17       A.       (No response.)

18       Q.       The question was:

19               Did anything happen before you were dragged  
20       outside, right before?

21       A.       They took away my scarf and also my bag, my  
22       personal belongings.

23       Q.       This is while you were still inside; right?

24       A.       Yes.

25       Q.       Did they say why they took them?

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1       arrived at the 75 precinct.

2       Q.       How long later did you arrive?

3                   THE INTERPRETER:   What?

4       Q.       How long later did you arrive at the 75 precinct?

5       A.       More than 45 minutes. Between 45 minutes to an  
6       hour.

7       Q.       Did they say anything else during that 45 minutes  
8       to an hour other than you will found out?

9       A.       No.

10      Q.       Did they say anything else to each other during  
11       the car ride?

12      A.       So they -- one of them said the Chink didn't know  
13       -- didn't believe that we can detain her.

14      Q.       Is that the same thing they had said earlier when  
15       you were in the room?

16      A.       Yes.

17      Q.       They said it again?

18      A.       Yes.

19      Q.       Did they say anything else to each other?

20      A.       They had a chitchat among themselves but I don't  
21       recall what that entail.

22      Q.       You don't recall any detail at all about what  
23       they were talking about?

24      A.       That's right.

25      Q.       Which one of them made the comment about you and

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1 not being able -- you thinking they wouldn't be able to  
2 detain you, if you remember?

3 A. Detective Febus said it to Wiltshire.

4 Q. You said earlier that you were waiting outside  
5 for them without a scarf; how long was that before you were  
6 placed in the car?

7 A. About 20 minutes. Ten to 20 minutes.

8 Q. Were you alone?

9 A. No. Wiltshire was standing nearby.

10 Q. Was she holding you at all or touching you in  
11 anyway?

12 A. No.

13 Q. While you were outside did you say anything to  
14 Officer Wiltshire?

15 A. I said I was very cold I need my scarf.

16 Q. Did she respond?

17 A. No.

18 Q. Did you say anything else to Officer Wiltshire  
19 while you were standing outside?

20 A. I keep saying that I need to see the attorney and  
21 where are you taking me to, I need to see the doctor.

22 Q. How many times did you say this to her?

23 THE INTERPRETER: What?

24 Q. How many times did you say this to her?

25 THE INTERPRETER: How many times what?

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1       asked to see a doctor?

2       A.       No.

3       Q.       Going back to when you were outside were you  
4       placed in a parked police vehicle?

5       A.       Yes.

6       Q.       Who put you in the police vehicle?

7       A.       Both Febus and Wiltshire both.

8       Q.       How did they put you in the police vehicle? What  
9       did they do physically?

10      A.       So Febus pushed my head down and pushing me into  
11       the vehicle.

12      Q.       Pushed your head down how? What did she do?

13      A.       She use with force to push my head down.

14      Q.       Was that when she was putting you into the police  
15       car?

16      A.       Yeah.

17      Q.       Did you say anything to her when she was pushing  
18       your head down to put you in the police car?

19      A.       I said my -- my head hurts and also my arm hurts  
20       because my wrist hurts because where the handcuff was they  
21       drag me, it hurts.

22      Q.       Was that both of your wrists or just one of your  
23       wrists?

24      A.       Wrist.

25      Q.       Did you ask them to loosen the handcuffs?

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1 A. Yes.

2 Q. What did they say, if anything, in response?

3 A. They ignore me.

4 Q. Did they loosen the handcuffs at any point?

5 A. No.

6 Q. You said you told them your head was hurting. Was  
7 that from when your head was pushed up against the wall  
8 earlier or was that from when you were placed in the police  
9 car or something else?

10 A. Both. Everything. I was standing outside and it  
11 was very cold and cold air and I was standing outside for a  
12 while.

13 Q. And the cold air is part of what made your head  
14 hurt?

15 A. Yes.

16 Q. Going back to when Detective Febus put your head  
17 up against the wall and put handcuffs on you, did you make  
18 any complaints at that time?

19 A. Yes.

20 Q. What did you say?

21 A. I said I want to see my attorney, why I'm under  
22 arrest.

23 Q. Did you tell them that they were hurting you at  
24 that point when Detective Febus put your head up against  
25 the wall?

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1       A.       I think I say that. I said my wrist, where the  
2       handcuff was, my wrist -- where they put the handcuff on,  
3       and also my head hurt. I think I told them.

4       Q.       Was that Detective Febus you said that to at that  
5       time?

6       A.       Yes.

7       Q.       Going back to you are in the car, you said it  
8       took about 45 minutes to an hour to get to the 75 precinct;  
9       right?

10      A.       Yes.

11      Q.       What happened when you arrived at the 75  
12      precinct?

13      A.       So they took me upstairs and hand me over to  
14      Inspector John Chell.

15      Q.       Did Inspector John Chell say anything to you at  
16      that point?

17      A.       You mean at that time after that he say something  
18      to me?

19      Q.       Just when you arrived?

20      A.       Nothing.

21      Q.       Where did he take you, if anywhere, in the 75  
22      precinct.

23      A.       He also put me in individual glass cell.

24      Q.       Were there any chairs in that cell?

25      A.       Yes.

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1 today see your attorney, the doctor, and use the bathroom?

2 A. He didn't answer.

3 Q. How long was he asking you about your ACS  
4 lawsuit?

5 THE INTERPRETER: I don't understand.

6 Q. How long was this conversation that you were just  
7 describing? How many minutes?

8 A. About half an hour.

9 Q. Were you still in handcuffs at this point?

10 A. No.

11 Q. When did the handcuffs come off?

12 A. Before we enter this door with the glass.

13 Q. Who took them off?

14 A. The handcuffs, I think it was Febus.

15 Q. She took them off, like, right before you were  
16 being put in this room?

17 A. After she take out the handcuff and I enter the  
18 room and then she left.

19 Q. Where was Officer Wiltshire at this point?

20 A. Right next to it.

21 Q. Did she also leave with Detective Febus?

22 A. No. She was always in the big office.

23 Q. Earlier you said it was a cell. Are you saying  
24 this was an office?

25 A. So is it on the second floor as John Chell's

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1 A. Some cell, like jail in the court.  
2 Q. How long were you in that cell?  
3 A. More than four hours, I think.  
4 Q. Were there other people in that cell with you?  
5 A. Yes.  
6 Q. How many about?  
7 A. About maybe ten, ten or so people.  
8 Q. Did you speak with any of those ten or so people?  
9 A. I don't recall.  
10 Q. What happened after the four or so hours that you  
11 were in that cell?  
12 A. Then I saw my attorney. Then I went to the  
13 court.  
14 Q. Was this the attorney you were asking to see  
15 earlier or a different attorney?  
16 A. No. I never met him, met this person before.  
17 Q. What happened next after this attorney came?  
18 A. We went to the court.  
19 Q. What happened next?  
20 A. So I was told I was charged with five charges.  
21 Five top charges. So I was told I was allegedly being  
22 prosecuted for the top five charges.  
23 Q. Do you know what those charges were?  
24 A. I don't remember.  
25 Q. Do you remember how you pled to those charges?

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1       A.       So after I attend the court for eight times it  
2       was dismissed -- they were dismissed.

3       Q.       I'm asking about when you were in the court on  
4       February 1, 2018 did you enter a plea to the charges?

5       A.       No.

6       Q.       You didn't plead guilty or not guilty at that  
7       time?

8       A.       In the police station they never ask me any crime  
9       that I was allege on committing. They never really asked me  
10      the question about those crimes at the precinct.

11      Q.       I'm just asking about when you were in court on  
12      the morning of February 1, 2018.

13      A.       No. I didn't -- I was not plead guilty.

14      Q.       Were you released from custody after you were at  
15      the court that day?

16      A.       Yes.

17      Q.       Did you go home after that?

18      A.       Yes.

19      Q.       Did your son go home with you that day?

20      A.       No.

21      Q.       When did you see your son again?

22      A.       The evening of February 2nd.

23      Q.       Do you know why you didn't see him until  
24      February 2nd?

25      A.       Because he was taken away by ACS, and Detective

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1

E X H I B I T S

2

DEFENDANT'S EXHIBITS:

3

EXHIBIT	EXHIBIT	PAGE
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4

LETTER	DESCRIPTION	
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5

Exh A	Complaint	74
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6

Exh B	Document	74
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7

(Exhibits retained by Counsel.)

8

9

10

I N D E X

11

EXAMINATION BY	PAGE
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12

MR. FRANK	4
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13

14

15

QUESTIONS MARKED FOR RULINGS

16

PAGE	LINE	QUESTION
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17

24	19	What are you appealing in that case?
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1 C E R T I F I C A T E  
2

3 STATE OF NEW YORK )  
4 : SS.:  
5 COUNTY OF RICHMOND )  
6

7 I, JOANNE CAPPARELLI, a Notary Public for and  
8 within the State of New York, do hereby certify:

9 That the witness whose examination is  
10 hereinbefore set forth was duly sworn and that such  
11 examination is a true record of the testimony given by that  
witness.

12 I further certify that I am not related to any  
13 of the parties to this action by blood or by marriage and  
14 that I am in no way interested in the outcome of this  
15 matter.

16 IN WITNESS WHEREOF, I have hereunto set my hand  
17 this 19th day of September 2022.

18  
19   
20

21  
22  
23  
24  
25  
JOANNE CAPPARELLI